

DECEMBER 7, 2007

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

07 C 6916

THOMAS ARMSTRONG, et al., )  
 )  
Plaintiffs, ) Case No. \_\_\_\_\_  
 )  
v. ) REMOVAL OF ACTION FROM  
 ) THE CIRCUIT COURT OF  
 ) COOK COUNTY, ILLINOIS  
 ) PURSUANT TO 28 U.S.C. §1441(a)  
 ) (DIVERSITY OF CITIZENSHIP)  
INTERACTIVE BROKERS, LLC, )  
 )  
Defendant. )

NOTICE OF REMOVAL

To: United States District Court  
Northern District of Illinois  
Eastern Division

Interactive Brokers, LLC (“Interactive”), by its attorneys, pursuant to 28 U.S.C. §§ 1441(a)-(b) and 1446, hereby removes to this Court the state court action described below that is currently pending in the Circuit Court of Cook County, Illinois, County Department, Law Division. In support of this notice, Defendant states as follows:

1. On November 9, 2007, plaintiffs Thomas Armstrong, et al., (“Plaintiffs”) filed a civil action against Interactive in the Circuit Court of Cook County, Illinois, County Department, Law Division, titled *Thomas Armstrong, et al., v. Interactive Brokers, LLC*, Case No.2007-L-012766 (the “State Court Action”). A true and correct copy of the Verified Complaint (“Complaint”) filed in the State Court Action is attached hereto as Exhibit A.

2. The first date upon which Interactive received a copy of said Complaint was on November 9, 2007, via electronic mail. Therefore, this notice has been filed in this Court within the time allowed by law for the removal of civil actions pursuant to 28 U.S.C. § 1446(b).

3. Defendant has not filed an answer or other responsive pleading in the State Court Action.

4. According to the Complaint, Plaintiffs are residents of Canada, Germany, Switzerland, Alaska, and Arizona. (Compl. ¶ 8.)

5. None of the Plaintiffs are located in Connecticut—the state that Interactive is considered a citizen. (*See generally* Affidavit of Bradford Jacobowitz, attached hereto as Exhibit B.)

6. Interactive is a limited liability company that was organized and exists under Connecticut law. (*Id* at ¶ 2.)

7. Plaintiffs allege that Interactive's principal place of business is in Cook County, Illinois. (Compl. ¶ 12.) However, contrary to the allegations in the Complaint, Interactive's principal place of business is in Connecticut. (Affidavit of Jacobowitz ¶ 3.)

8. Interactive's principal executive offices and corporate headquarters are located at One Pickwick Plaza, Greenwich, Connecticut 06830. *Id*.

9. In filings with its regulators, including the Commodity Futures Trading Commission, the Securities and Exchange Commission, the National Futures Association, the New York Stock Exchange and the Financial Industry Regulatory Authority, among others, Interactive identifies its Greenwich, Connecticut headquarters as its principal office. *Id*. at ¶ 4.

10. Interactive's operational, corporate and management decisions are primarily made at its corporate headquarters in Connecticut. *Id*. at ¶¶ 5-8.

11. Interactive's weekly Management Steering Committee meetings are conducted at its corporate headquarters in Connecticut. These weekly Management Steering Committee meetings are the mechanism by which the firm makes its operational, corporate and management decisions and communicates them to senior managers. *Id.* at ¶ 6.

12. Interactive's monthly Audit Committee meetings are held at its corporate headquarters in Connecticut. *Id.* at ¶ 7.

13. Interactive's director and shareholder meetings are conducted at its corporate headquarters in Connecticut. *Id.* at ¶ 8.

14. A majority of Interactive's principal executive officers maintain their offices at Interactive's corporate headquarters in Connecticut, including Thomas Peterffy, Chairman and President; Alexander Ioffe, Chief Financial Officer; Thomas A. Frank, Executive Vice President and Chief Information Officer; Paul J. Brody, Secretary; Susan J. Cramer, Treasurer; and Arnold Feist, Chief Compliance Officer. Interactive's General Counsel, David M. Battan, maintains his office in Washington, D.C. Interactive's Chief Operating Officer, Jonathan Chait, maintains his office in Zug, Switzerland. None of Interactive's principal executive officers are located in Illinois. *Id.* at ¶ 9.

15. The majority of the members of the firm's Management Steering Committee are located at its corporate headquarters in Connecticut. None of the members of the Committee are located in Illinois. *Id.* at ¶ 10.

16. Interactive's complete records and books of account are maintained at its corporate headquarters in Connecticut. *Id.* at ¶ 11.

17. The firm's regulators conduct their primary audits of Interactive's finances, operations and sales practices at the firm's Greenwich, Connecticut headquarters. *Id.* at ¶ 12.

18. Interactive is a citizen of Connecticut because it is incorporated under the laws of Connecticut and maintains its principal place of business in Connecticut. Interactive is not a citizen of Illinois.

19. On its face, the Complaint seeks damages in an amount in excess of \$4,000,000. (Compl. ¶¶ 148, 152, 154.)

20. Therefore, this is a civil action of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and which may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(a), because the action is between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

21. Venue is proper here because the United States District Court for the Northern District of Illinois, Eastern Division, is the district and division embracing the jurisdiction where the State Court Action is pending—the Circuit Court of Cook County, Illinois.

DATED: December 7, 2007

Respectfully submitted,  
INTERACTIVE BROKERS, LLC

By: /s/ Ted S. Helwig  
One of the Attorneys for the Defendant

Ted S. Helwig  
Dean V. Hoffman  
Jeffrey E. Jamison  
Katten Muchin Rosenman LLP  
525 West Monroe Street  
Chicago, Illinois 60661-3693  
(312) 902-5200  
(312) 902-1061 (fax)

**Attorneys for Defendant Interactive Brokers, LLC**